

**PLANNING AND ZONING COMMISSION
MEETING MINUTES**

MARCH 28, 2005

MEMBERS PRESENT: Emery Zahner, Lori Spielman (arrived 7:20), Cliff Aucter, Robert Hoffman, and Alternates Arlo Hoffman, James Prichard and Ronald Small

MEMBERS ABSENT: Mort Heidari, Geri Kupecky

STAFF PRESENT: Matt Davis, Town Planner and Kristin Michaud, Recording Secretary

I. CALL TO ORDER

Chairman Zahner called the Planning & Zoning Commission (PZC) meeting to order at 7:02 PM at the Ellington Town Hall Annex Meeting Room, 57 Main Street, Ellington, CT.

II. EXECUTIVE SESSION: Discussion of pending litigation.

MOTION (AUCTER), SECONDED (B. HOFFMAN), AND PASSED UNANIMOUS TO GO INTO EXECUTIVE SESSION. ATTENDING THE EXECUTIVE SESSION WERE EMERY ZAHNER, JAMES PRICHARD, RONALD SMALL, CLIFF AUCTER, ARLO HOFFMAN, BOB HOFFMAN, LORI SPIELMAN, MATT DAVIS, TOWN PLANNER AND TOWN ATTORNEY JOE COURTNEY (FOR ATTORNEY SUSAN BOYAN).

MOTION (AUCTER), SECONDED (B. HOFFMAN), AND PASSED UNANIMOUS TO ADJOURN THE EXECUTIVE SESSION.

III. PUBLIC COMMENTS:

Joe Snyder, 34 Windsor Walk, gave his opinion about "Roberts Rules" and the Age Restricted Cluster Housing Zone concept.

R. Small, 136 ½ Tripp Road, again reported the site conditions at Shepard Farms on Windsorville Road. The commission directed the Town Planner to contact the builder again to correct the situation.

Ernie Boothroyd noted his concerns on the coming global oil crisis, and that we should develop rock ledges and not farm land.

Bob Pagani, Director of Finance, stated his support for the Plan of Conservation & Development plan and regulation updates, but requested more detail as to Planning & Zoning's plan and schedule for the project. This information would help him and the Board of Finance members justify the expenditure request. The planner explained that state law requires this Plan of Conservation & Development update at 10 year intervals and the town last updated the plan around 1995 – 1996. The scope of the plan update was initially based on a directive from the Board of Selectman, but the scope for both the Plan of Conservation & Development update and regulation changes would have to be determined by the Planning & Zoning Commission.

The Planning & Zoning Commission agreed to hold a special meeting to discuss Mr. Pagani's request.

IV. PUBLIC HEARINGS:

1. #Z200511 – Pioneer Builders of Ellington, Inc. for a zone change to ARCHZ/Age Restricted Cluster Housing Zone including conceptual site plan approval on property located at 22 Maple Street, APN 073-014-0000 in a PC Zone.

TIME: 7:20

SEATED: E. Zahner, L. Spielman, C. Aucter, A. Hoffman, B. Hoffman & R. Small

Attorney Eric Dellutri - Kahan, Kerensky, & Capossela, came forward, explained the reasons for the hearing and reviewed the plans with the commission. He stated that there will be 49 units, they will be using 26 ½ acres, they will deed the town 5 acres for possible senior center and they have conceptual approval from the WPCA. He feels the location proposed for the rezone meets the Age Restricted Cluster Housing intent.

Ernie Boothroyd, Hare Road, thought the site was not appropriate and that the suggestion of 5 acres for a senior center was unethical.

MOVED (AUCTER), SECONDED (SMALL) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #Z200511 – PIONEER BUILDERS OF ELLINGTON, INC.

MOVED (SMALL), SECONDED (A. HOFFMAN) AND PASSED (C. AUCTER – OPPOSED) TO APPROVE #Z200511 – PIONEER BUILDERS OF ELLINGTON, INC.

2. #Z200505 – Deer Valley, LLC for a site plan approval and special permit for 10 multi-family buildings and associated improvements on properties located at 155 Windermere Avenue, APN 017-002-0001 & 80 Pinney Street, APN 017-002-0000 in an MF Zone.

TIME: 8:15

SEATED: C. Aucter, E. Zahner, A. Hoffman, B. Hoffman, J. Prichard & L. Spielman

Mark Peterson, Gardner & Peterson, reviewed the plan with the commission. He stated that there will be 10 additional buildings on the site, there is a detention basin on the property along with sewer and public water.

Chairman Zahner read Buck & Buck's letter dated 3/28/05.

Eric Santini explained how they will be continuing what has already been done architecturally. He stated that there is going to be a clubhouse and walking trails on the property.

Eric Santini Sr. noted that he agreed in principal to work cooperatively with the town and STC on a potential traffic light at the intersection of Rt. 286.

MOVED (AUCTER), SECONDED (SPIELMAN) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #Z200505 – DEER VALLEY, LLC.

MOVED (AUCTER), SECONDED (SPIELMAN) AND PASSED UNANIMOUSLY TO APPROVE #Z200505 – DEER VALLEY, LLC.

3. #Z200506 – Rachel T. DeRham for Thompson Family Land Trust for a special permit for renewal of earth excavation permit on property located on Sadds Mill Road, APN 136-001-0000 in an RA Zone.

TIME: 8:30

SEATED: E. Zahner, J. Prichard, R. Small, L. Spielman, C. Aucter & A. Hoffman

Chairman Zahner read Buck & Buck's letter dated 3/23/05.

There was no public comment.

MOVED (SPIELMAN), SECONDED (AUCTER) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #Z200506 – RACHEL T. DERHAM.

MOVED (SPIELMAN), SECONDED (B. HOFFMAN) AND PASSED UNANIMOUSLY TO APPROVE #Z200506 – RACHEL T. DERHAM.

4. #Z200507 – Leeron Associates, LLC for a special permit and site plan approval for display area for automobile/storage trailer on properties located at 171 West Road, APN 046-005-0001 & 161 West Road, APN 037-005-0084 in a PC Zone.

TIME: 8:30

SEATED: R. Small, B. Hoffman, E. Zahner, C. Aucter, L. Spielman & A. Hoffman

Dana Steele, JR Russo & Associates came forward to review the plan. He explained that the proposal has different phases. Phase I includes storage on a grassed area whereas phase II will convert the grassed area to a gravel storage area and they will also construct the storm water basin.

Chairman Zahner read Buck & Buck's letter dated 3/28/05.

Lee Luginbuhl stated that the phases will be done as money comes in. The auto dealership will be separate from the trailer sales. There will be no additional lighting on the premises.

Dana Steele mentioned that the trees will go in during phase I.

Cliff Aucter asked that the A frame signs be removed. Lee Luginbuhl stated there would be no additional signs.

The Planning & Zoning Commission read the Design Review Comments.

The applicant noted the car wash (previously approved) would probably not go forward.

Ron Small suggested more landscaping to Highland Avenue.

MOVED (SMALL), SECONDED (SPIELMAN) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #Z200507 – LEERON ASSOCIATES, LLC.

MOVED (SPIELMAN), SECONDED (B. HOFFMAN) AND PASSED UNANIMOUSLY TO APPROVE #Z200507 – LEERON ASSOCIATES, LLC.

5. #Z200509 – Sadds Mill Associates, LLC for a special permit for renewal of earth excavation permit on properties located at Sadds Mill Road, APN 100-009-0000, 100-011-0000, 101-003-0000, 101-001-0000, 088-001-0000 in a RA & I Zone.

TIME: 9:00

SEATED: E. Zahner, C. Aucter, L. Spielman, B. Hoffman, R. Small & J. Prichard

There were no comments from the audience.

Dana Steele, JR Russo & Associates came forward for the applicant.

Chairman Zahner read Buck & Buck's letter dated 03/28/05.

MOVED (AUCTER), SECONDED (SMALL) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #Z200509 – SADDS MILL ASSOCIATES, LLC.

MOVED (SMALL), SECONDED (PRICHARD) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITION #Z200509 – SADDS MILL ASSOCIATES, LLC SUBJECT TO JIM THOMPSON'S MEMO DATED MARCH 28, 2005.

CONDITION: THE RESTORATION BOND TO BE INCREASED TO \$244,000.00

MOVED (SPIELMAN), SECONDED (SMALL) AND PASSED UNANIMOUSLY TO GO OUT OF AGENDA ORDER.

V. NEW BUSINESS

1. #S200501 – Jolyn II, LLC for a modification of subdivision approval to redesign detention basin on property located at 34 Ellsworth Lane, APN 118-004-0003 in an RA Zone.

SEATED: E. Zahner, C. Aucter, L. Spielman, B. Hoffman, R. Small & A. Hoffman

The planner noted that the redesign had been requested by the Town Engineer and Town Department of Public Works director and that it had been approved by the Inland Wetland Agency.

MOVED (SMALL), SECONDED (AUCTER) AND PASSED UNANIMOUSLY TO APPROVE #S200501 – JOLYN II, LLC.

THE COMMISSION RETURNED TO ORIGINAL AGENDA ORDER.

VI. UNFINISHED BUSINESS

1. Discussion of Fee-in-lieu of open space Rye Field Estates Subdivision.

Gerry Gingras, came forward and explained that there are two parcels that make up the Rye Field Estate Subdivision. He stated that he paid \$350,000 for each parcel. However, the appraisal only included one parcel. Mr. Gingras stated that if the Commission wanted another appraisal they would need to pay for it.

Jim Gage, Conservation Commission member, said he believes that the Planning & Zoning Commission should be requiring a higher fee due to the amount that Mr. Gingras paid for the parcel.

Commissioner's R. Hoffman and R. Small generally agreed the appraisal value was too low.

The Commission discussed the appraisal and debated different options for accepting a value.

MOVED (SMALL), SECONDED (B. HOFFMAN) AND FAILED (AYE: R. SMALL, B. HOFFMAN) (NAY: A. HOFFMAN, L. SPIELMAN, C. AUCTER, E. ZAHNER) TO HIRE AN APPRAISER FOR A SECOND APPRAISAL FOR THE RYE FIELD ESTATES SUBDIVISION.

Mr. Gingras agreed to base the fee on a pre-development value of \$250,000.00

MOVED (AUCTER), SECONDED (SPIELMAN) AND PASSED (AYE: A. HOFFMAN, L. SPIELMAN, C. AUCTER, E. ZAHNER) (NAY: B. HOFFMAN, R. SMALL) TO APPROVE THE MODIFIED FEE IN LIEU OF OPEN SPACE REQUIREMENT TO \$250,000.

V. NEW BUSINESS

2. Discussion: First Selectman's Request to Amend Land Use Fees.

By consensus, the agency agreed to discuss this item at a special workshop. (Agenda to be posted).

BY CONSENSUS, THE AGENCY RECEIVED THE FOLLOWING APPLICATIONS:

3. #Z200510 – Valley Farms for a special permit for renewal of earth excavation permit on property located at 135 West Road, APN 037-005-0086 in a A & C Zone. **(RECEIPT ONLY)**
4. #S200502 – Development Services for a 20 lot subdivision on property located at Newell Hill Road, APN 127-014-0000 in an RA Zone. **(RECEIPT ONLY)**
5. #Z200512 - Deepak Govani for special permit to expand existing liquor store on property located at 192 Windsorville Road, APN 009-066-0000 in a C Zone. **(RECEIPT ONLY)**
6. #Z200508 – Cumberland Farms, Inc. for a special permit and site plan approval on property located at 5 Wapping Wood Road, APN 026-009-0000 in a C Zone. **(RECEIPT ONLY)**

MOVED (AUCTIONER), SECONDED (SPIELMAN) AND APPROVED UNANIMOUSLY TO ADD BY VOICE VOTE S200503 – ANGEL TRACE, LLC (SUBDIVISION, ROUTE 140) FOR RECEIPT ONLY.

MOVED (AUCTIONER), SECONDED (SPIELMAN) AND APPROVED UNANIMOUSLY TO ADD BY VOICE VOTE REQUEST BY DEVELOPMENT SERVICES, LLC FOR A WORKSHOP REGARDING PROPOSED AGE RESTRICTED DEVELOPMENT ON WINDERMERE AVE.

BY CONSENSUS OF THE COMMISSION, THE WORKSHOP IS SET FOR APRIL 4, 2005 IN MEETING ROOM B IN THE TOWN HALL.

VI. ADMINISTRATIVE BUSINESS:

1. Discussion: Zoning/Wetland Agent Appointment.

Mr. Davis reported the new ZEO starts April 4, 2005.

MOVED (AUCTIONER), SECONDED (SPIELMAN) AND PASSED UNANIMOUSLY TO ADD BY VOICE VOTE LETTER FROM KIM SULLIVAN REGARDING REQUEST FOR HAIR SALON AS A HOME OCCUPATION AT 78 HOFFMAN ROAD.

The planner requested Planning & Zoning Commission guidance that the use was consistent with the home occupation intent.

BY CONSENSUS OF THE COMMISSION, THE PROPOSED USE IS CONSISTENT WITH THE INTENT OF THE HOME OCCUPATION REGULATIONS.

2. Review of proposed subdivision on Shenipsit Lake Road, Tolland. (Abuts Ellington)

TABLED TO APRIL 25, 2005 REGULAR MEETING.

3. Review of proposed subdivision on Florence Drive, Tolland. (Abuts Ellington)

TABLED TO APRIL 25, 2005 REGULAR MEETING.

4. Approval of Meeting Minutes:
 - a. March 3, 2005, special meeting minutes.

MOVED (AUCTIONER), SECONDED (SPIELMAN) AND PASSED UNANIMOUSLY TO APPROVE THE MARCH 3, 2005 MEETING MINUTES.

5. Correspondence:
 - a. Memo to Dennis Milanovich from Conservation Commission dated, 2/24/05. (Proposal for Use of Kimball Forest Parcel)
 - b. Memo to Planning & Zoning Commission from Matt Davis dated, 2/28/05. (Changes to Land Use Fees)
 - c. Fax to Attorney Marvin Bellis from Matt Davis dated, 3/15/05. (DRB comments/suggestions)
 - d. Letter to Dennis Milanovich from Jim Thompson dated, 3/15/05. (Five Corners)

- e. Memo to Board of Selectman from Zoning Board of Appeals dated, 3/21/05. (Memo from Town Attorney regarding Fee Waivers)
- f. Memo to Dennis Milanovich from Matt Davis dated, 3/21/05. (Board of Selectman's meeting minutes)
- g. Memo to Dennis Milanovich and Board of Selectman dated, 2/22/05. (Streamlining the permit process)
- h. Memo to Dennis Milanovich from Matt Davis dated, 2/23/05. (Land Use Fees Analysis)
- i. Letter to Robert Phillips from Dennis Milanovich dated, 3/18/05. (ZEO Hire)
- j. Letter to Guy Burns from Matt Davis dated, 3/7/05. (Unauthorized Uses at 7 Nutmeg Drive)
- k. CRCOG/Report on zoning referral – Z2005/9a.
- l. CRCOG/Report on zoning referral – Z2005/9b.

VII. ADJOURNMENT:

**MOVED (AUCTION) SECONDED (B. HOFFMAN) AND PASSED UNANIMOUSLY TO
ADJOURN THE MEETING AT 10:30 PM.**

Respectfully Submitted,

Kristin Michaud
Recording Secretary